

## **Update: Wisconsin's Industrial Hemp Pilot Research Program**

**December 29, 2017**

As you know, the Wisconsin Legislature and Governor Walker have enacted a law allowing production of industrial hemp with low THC content. This is based on provisions in the most recent U.S. farm bill, Agriculture Act 2014. The new state law directs the Wisconsin Department of Agriculture, Trade and Consumer Protection to write an administrative rule by March 2.

If you are unfamiliar with administrative rules, they basically fill in the details for the laws passed by the Legislature. The law said there will be a pilot research program, but did not describe how it would all work. So, this administrative rule will lay out licensing procedures and fees, establish exactly what growers' and our responsibilities will be, and explain how to meet those responsibilities.

That's why we don't have a lot of answers just yet. We'll answer questions as we work out the details. With these thoughts in mind, here is what we can tell you so far:

### **The rule process**

We are working on an "emergency rule," which allows the department to implement the necessary provisions to launch the program more quickly. This emergency rule will remain in effect until we can produce a "permanent rule" through a much more lengthy process. We are drawing on the experiences of other states to write the emergency rule, and we hope it will build a sound program, so that the permanent rule process will be a matter of tweaking.

Because the emergency rule process expedites things, it doesn't provide for public hearings or a formal comment period. However, if you have ideas you would like us to consider as we write the emergency rule, feel free to send comments to [DATCPIndustrialHemp@wi.gov](mailto:DATCPIndustrialHemp@wi.gov) by February 1. During the permanent rule process, there will be public hearings and a formal comment process.

### **Participation levels**

The law calls for maximizing opportunities, so we do not plan to limit the number of licenses allowed under the pilot research program. If you can meet the licensing requirements, you can participate.

### **Obtaining seed**

We are applying for the necessary U.S. Drug Enforcement Agency registration to import certified seed as an agency, as one way to legally import hemp seed into the state. This process has taken 6 months or longer in other states. If you do not already have seed or a source for seed, this could prevent you from planting for the next growing season.

*Bear in mind that the law protects you from prosecution for THC levels that exceed .3 percent only if you plant certified seed. Regardless of where you obtain your seed, you need documentation that it is certified to produce THC levels at .3 percent or lower. We cannot guarantee that you won't face legal consequences if you bring seed across state lines.*

### **Agronomic, marketing and business development information**

Our role in the industrial hemp program is regulatory. We will provide the legal framework for you to grow hemp. We don't have the expertise to offer you agronomic information about how to grow hemp, or information to process or sell the crop you produce. Remember that this is a pilot *research* program; the intent is to gather this type of data from the program participants.

Other states with established programs often have information on their websites about agronomy, processing and marketing, or direct you to information about those topics. Please check out these resources.

If you have business development questions, your county or regional economic development agency may be able to help. You can find economic development information at these sites:

Regional agencies: <http://www.forwardwisconsin.com/map.php>

County agencies: <http://www.wicounties.org/counties.iml> (links you to county websites, where you'll find business development info for your county)

Business development help from state agencies: <http://www.wisconsin.gov/Pages/business.aspx>

Business development services from UW-Extension: <http://www.uwex.edu/Business-and-Entrepreneurship>

### **Considerations in your planning**

Remember, this is a pilot research program to gather data about what it takes to successfully grow and market industrial hemp in Wisconsin. If you decide to grow industrial hemp, you need a license to do so and you will be required to provide information to us. Keep in mind:

- Can you pass the required background check?
- What is your research plan?
- Are you prepared to keep records and file research reports with us?
- Do you have a contract for certified seed?
- How will you harvest your crop?
- How will you process your crop?
- Do you have a contract to market the hemp you produce?

### **Website**

We have created an industrial hemp webpage for Wisconsin information only:

[https://datcp.wi.gov/Pages/Programs\\_Services/IndustrialHemp.aspx](https://datcp.wi.gov/Pages/Programs_Services/IndustrialHemp.aspx). We will update and add to the page as more information becomes available. Thanks for your patience as we work out the details of a complex program in a short time frame.